

SMILEY WANG-EKVALL, LLP  
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Costa Mesa, California 92626  
Tel 714 445-1000 • Fax 714 445-1002

**SMILEY WANG-EKVALL, LLP**  
Lei Lei Wang Ekvall, State Bar No. 163047  
*lekvall@swelawfirm.com*  
Philip E. Strok, State Bar No. 169296  
*pstrok@swelawfirm.com*  
Timothy W. Evanston, State Bar No. 319342  
*tevanston@swelawfirm.com*  
3200 Park Center Drive, Suite 250  
Costa Mesa, California 92626  
Telephone: 714 445-1000  
Facsimile: 714 445-1002

Proposed Attorneys for Elissa D. Miller,  
Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

In re  
GIRARDI KEESE,

Alleged Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**CHAPTER 7 TRUSTEE'S APPLICATION  
TO EMPLOY SMILEY WANG-EKVALL,  
LLP, AS GENERAL COUNSEL;  
STATEMENT OF DISINTERESTEDNESS  
OF LEI LEI WANG EKVALL**

**[No Hearing Required Pursuant to  
Local Bankruptcy Rules 2014-1(b)(1)  
and 9013-1(o)]**

**TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:**

Elissa D. Miller, the chapter 7 trustee (the "Trustee") of the bankruptcy estate of Girardi Keese (the "Estate"), submits this *Application to Employ Smiley Wang-Ekvall, LLP, as General Bankruptcy Counsel* ("Application"). In support of the Application, the Trustee submits the attached Statement of Disinterestedness and respectfully represents as follows:

1 **I. BACKGROUND**

2 Girardi Keese ("Debtor") is a plaintiff's law firm based in Los Angeles, California  
3 practicing in the areas of personal injury, defective products, sexual abuse, toxic torts,  
4 business law, employment law, and aviation law. On December 18, 2020, an involuntary  
5 chapter 7 bankruptcy petition was filed against Debtor. As of the filing of the involuntary  
6 petition, Debtor was counsel of record in a significant number of matters which were  
7 undertaken on a contingency basis. The petitioning creditors moved for the appointment  
8 of an interim trustee which was granted by the Court by order entered January 5, 2021.  
9 The Trustee was appointed as the interim chapter 7 trustee on January 6, 2021.<sup>1</sup>

10 By this Application, the Trustee seeks approval of the employment of Smiley  
11 Wang-Ekvall, LLP ("Firm") as her general bankruptcy counsel in this high-profile  
12 bankruptcy case. The Debtor's assets and liabilities warrant substantial investigation and  
13 analysis. The Firm's employment will also encompass all aspects of the bankruptcy  
14 case.

15  
16 **II. TERMS OF PROPOSED EMPLOYMENT**

17 **A. The Scope of Services to be Performed**

18 The Trustee would like to employ the Firm as her counsel pursuant to 11 U.S.C.  
19 §§ 327 and 330 to:

- 20 1. Analyze potential assets and liabilities, including potential litigation claims,  
21 of this Estate;  
22 2. Analyze and litigate, if necessary, the scope, validity, priority, and  
23 avoidability of any liens;  
24

25  
26 <sup>1</sup> On December 18, 2020, the Debtor's petitioning creditors also filed an involuntary  
27 chapter 7 bankruptcy petition against Thomas Girardi ("Girardi"), the founding partner of  
28 Debtor. The petitioning creditors moved for the appointment of an interim trustee in the  
Girardi bankruptcy case which was granted by the Court. Jason Rund is the interim  
chapter 7 trustee in the Girardi bankruptcy case.

1           3.       Evaluate and seek to abandon any assets of the Estate that are of  
2 inconsequential value or burdensome to the Estate;

3           4.       Investigate potential assets of the Estate held by third parties and, if  
4 warranted and requested to do so by the Trustee, litigate to recover such assets;

5           In addition, the Firm usually performs certain general tasks as counsel to trustees.  
6 In this case, to the extent legal issues are involved, the Firm may perform some or all of  
7 the following general tasks:

8                   (a)     Advise the Trustee concerning the rights and remedies of the Estate  
9 and of the Trustee in regard to secured, priority, and general unsecured claims of  
10 creditors;

11                   (b)     Represent the Trustee in any proceeding or hearing in the  
12 Bankruptcy Court, including, without limitation, objections to claims, and in any  
13 action where the rights of the Estate or the Trustee may be litigated or affected;

14                   (c)     Assist the Trustee in the settlement of any debts owed to the Debtor;

15                   (d)     Assist the Trustee in the liquidation of any other assets of the Estate;

16 and

17                   (e)     Conduct examinations of witnesses, claimants, or adverse parties  
18 and prepare and assist in the preparation of reports, accounts, applications and  
19 orders.

20           The Firm does not intend to perform trustee services in this case and will assist  
21 the Trustee in her duties as appropriate. In the event the Firm, at the Trustee's request,  
22 performs any services that are later deemed by the Court to be trustee services, the Firm  
23 reserves the right to request approval and compensation for those services provided that  
24 the amount of the Trustee's fees is less than the Trustee's statutory compensation limit.

25           **B.       Terms of the Proposed Employment**

26           The Firm's attorneys specialize in insolvency, reorganization, and bankruptcy law  
27 and are well qualified to represent the Trustee in this case. All attorneys comprising or  
28 associated with the Firm who will render services for the Trustee are duly admitted to

1 practice in the courts of the State of California and in the United States District Court for  
2 the Central District of California. The Firm's resume is attached as Exhibit "1."

3 Subject to court approval, the Firm will represent the Trustee at its customary  
4 hourly rates which currently range from \$175.00 to \$650.00 per hour, depending on the  
5 experience and expertise of the attorney or paralegal performing the work. The majority  
6 of the work will be performed by Lei Lei Wang Ekvall, whose current hourly rate is  
7 \$650.00, Philip E. Strok, whose current hourly rate is \$650.00, and Timothy W. Evanston,  
8 whose currently hourly rate is \$350.00. However, the Firm reserves the right to have  
9 other attorneys or paralegals of the Firm perform work in this case, as the Firm deems  
10 appropriate. The Firm's hourly rates are subject to periodic adjustment. If any  
11 adjustment is made while the Firm is performing work in this case, the new hourly rates  
12 will be effective for this case.

13 The Firm will apply to the Court for approval of compensation in accordance with  
14 the provisions of 11 U.S.C. §§ 330 and 331 and agrees to accept as compensation such  
15 sums as the Court may allow.

16  
17 **III. MEMORANDUM OF POINTS AND AUTHORITIES**

18 Pursuant to 11 U.S.C. § 327(a), a trustee may employ attorneys and other  
19 professional persons who do not hold or represent an interest adverse to the estate, and  
20 who are disinterested persons, to represent or assist the trustee in carrying out the  
21 trustee's duties. Except as provided above, to the best of the Trustee's knowledge, and  
22 based upon the Statement of Disinterestedness of Lei Lei Wang Ekvall filed concurrently  
23 herewith, the Firm:

24 (a) Has no connection with the Debtor, the principals of the Debtor,  
25 insiders, creditors, the Trustee, any other party or parties in interest, their  
26 respective attorneys and accountants, or any person employed in the Office of the  
27 United States Trustee;

28 (b) Is not a creditor, an equity security holder or an insider of the Debtor;

(c) Is not and was not an investment banker for any outstanding security of the Debtor;

(d) Within the three years before the date of the filing of the petition, has not been an investment banker for a security of the Debtor, or an attorney for such an investment banker in connection with the offer, sale or issuance of any security of the Debtor;

(e) Within the two years before the date of the filing of the petition, is not and was not, a director, officer or employee of the Debtor or of any investment banker for any security of the Debtor;

(f) Does not represent an individual or entity which holds an interest adverse to the Estate;

(g) Is not related, through any of the Firm's partners or employees, to a bankruptcy judge in the Central District of California;

(h) Is disinterested within the meaning of 11 U.S.C. §§ 327(a) and 101(14);

(i) Has no fee sharing arrangement, understanding, or compensation sharing arrangement with any other entity, and no part of the attorneys' fees or expenses awarded to the Firm will be paid to any other entity;

(j) Will not receive a retainer in this case; and

(k) Is not related, through any of its partners or employees, to the United States Trustee or a bankruptcy judge in the Central District of California.

The Trustee believes the employment of the Firm is in the best interest of the Estate.

1 **IV. CONCLUSION**

2 WHEREFORE, the Trustee requests that the Court enter an order approving the  
3 Application and authorizing the Trustee to employ Smiley Wang-Ekvall, LLP, as her  
4 attorneys on the terms and conditions set forth herein.

5 Respectfully submitted,

6 DATED: January 8, 2021

SMILEY WANG-EKVALL, LLP

7

8 By: /s/ Lei Lei Wang Ekvall

9 LEI LEI WANG EKVALL  
10 Proposed Attorneys for Elissa D. Miller,  
11 Chapter 7 Trustee

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**STATEMENT OF DISINTERESTEDNESS FOR EMPLOYMENT**  
**OF PROFESSIONAL PERSON UNDER F.R.B.P. 2014**

1. Name, address and telephone number of the professional ("Firm") submitting this Statement:

SMILEY WANG-EKVALL, LLP  
Lei Lei Wang Ekvall  
3200 Park Center Drive, Suite 250  
Costa Mesa, California 92626  
Telephone: (714) 445-1000  
Facsimile: (714) 445-1002

2. The services to be rendered by the Firm in this case are (specify):

The Firm will (a) analyze potential assets and liabilities, including potential litigation claims of the Estate; (b) analyze and litigate, if necessary, the scope, validity, priority, and avoidability of any liens, (c) investigate potential assets of the Estate held by third parties and, if warranted and requested to do so by the Trustee, litigate and recover such assets; (d) advise the Trustee concerning the rights and remedies of the Estate and of the Trustee in regard to secured, priority, and general unsecured claims of creditors; (e) represent the Trustee in any proceeding or hearing in the Bankruptcy Court, including, without limitation, objections to claims, and in any action where the rights of the Estate or the Trustee may be litigated or affected; (f) assist the Trustee in the settlement of any debts owed to the Debtor; (g) assist the Trustee in the liquidation of any other assets of the Estate; and (h) conduct examinations of witnesses, claimants, or adverse parties and prepare and assist in the preparation of reports, accounts, applications and orders.

3. The terms and source of the proposed compensation and reimbursement of the Firm are (specify):

Subject to court approval, the Firm will represent the Trustee at its customary hourly rates which currently range from \$175.00 to \$650.00 per hour, depending on the experience and expertise of the attorney or paralegal performing the work. The majority of the work will be performed by Lei Lei Wang Ekvall, whose current hourly rate is \$650.00, Philip E. Strok, whose current hourly rate is \$650.00, and Timothy W. Evanston, whose hourly rate is \$340.00. However, the Firm reserves the right to have other attorneys or paralegals of the Firm perform work in this case, as the Firm deems appropriate. The Firm's hourly rates are subject to periodic adjustment. If any adjustment is made while the Firm is performing work in this case, the new hourly rates will be effective for this case.

4. The nature and terms of retainer (i.e., nonrefundable versus an advance against fees) held by the Firm are (specify):

None.

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- 1 5. The investigation of disinterestedness made by the Firm prior to submitting this  
2 Statement consisted of (specify):  
3 Submitted to the Firm's conflicts check system.
- 4 6. The following is a complete description of all of the Firm's connections with the  
5 Debtor, principals of the Debtor, insiders, the Debtor's creditors, the Trustee, any  
6 other party or parties in interest, and their respective attorneys and accountants, or  
7 any person employed in the Office of the United States Trustee (specify, attaching  
8 extra pages as necessary):  
9 None.
- 10 7. The Firm is not a pre-petition creditor, an equity security holder or an insider of the  
11 Debtor.
- 12 8. The Firm is not and was not an investment banker for any outstanding security of  
13 the Debtor.
- 14 9. The Firm has not been within three (3) years before the date of the filing of the  
15 petition herein, an investment banker for a security of the Debtor, or an attorney  
16 for such an investment banker in connection with the offer, sale or issuance of any  
17 security of the Debtor.
- 18 10. The Firm is not and was not, within two (2) years before the date of the filing of the  
19 petition herein, a director, officer or employee of the Debtor or of any investment  
20 banker for any security of the Debtor.
- 21 11. The Firm neither holds nor represents any interest materially adverse to the  
22 interest of the estate or of any class of creditors or equity security holders, by  
23 reason of any direct or indirect relationship to, connection with, or interest in, the  
24 Debtor or an investment banker for any security of the Debtor, or for any other  
25 reason.
- 26 12. Name, address and telephone number of the person signing this Statement  
27 (specify):  
28 Lei Lei Wang Ekvall  
SMILEY WANG-EKVALL, LLP  
3200 Park Center Drive, Suite 250  
Costa Mesa, California 92626  
Telephone: (714) 445-1000
13. None of the Firm's partners or employees is related to the bankruptcy judge in this  
case.
14. Total number of attached pages of supporting documentation: 16
15. The Firm's resume is attached as Exhibit "1."



1 After conducting or supervising the investigation described in Paragraph 5 above, I  
2 declare under penalty of perjury under the laws of the United States of America, that the  
3 foregoing is true and correct except that I declare that Paragraphs 6 through 11 are  
4 stated on information and belief.

5 Executed on the 8th day of January, 2021, at Costa Mesa, California.

6 /s/ Lei Lei Wang Ekvall  
7 LEI LEI WANG EKVALL  
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**EXHIBIT "1"**

**SMILEY | WANG-EKVALL**  
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**Lei Lei Wang Ekvall**  
Partner

Main 714 445-1000  
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Email [lekvall@swelawfirm.com](mailto:lekvall@swelawfirm.com)  
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**PRACTICE AREAS**

Insolvency and Business Litigation

**AWARDS/RECOGNITION**

- Attorney of the Year- Orange County Women Lawyers Association 2019
- The Honorable Peter M. Elliott Memorial Award - Orange County Bankruptcy Forum 2015
- Best Lawyers in America Bankruptcy and Creditors Rights 2020
- Southern California Super Lawyers List 2008 to present
- Top Bankruptcy Lawyer - O.C. Metro Magazine 2014
- Top Five Bankruptcy Attorneys - O.C. Metro Magazine 2012
- Southern California Rising Stars List 2004 - 2006
- AV Preeminent - Martindale-Hubbell Peer Review Rating
- AVVO Rated 10.0

**EDUCATION**

- University of Southern California, J.D. 1992
- University of California, Irvine, B.S., Information and Computer Science 1988

**JUDICIAL CLERKSHIPS**

- Hon. Kathleen P. March - United States Bankruptcy Court, Central District of California 1993 - 1994
- Hon. Kathleen P. March, Hon. Alan M. Ahart, Hon. Vincent P. Zurzolo, Hon. Kathleen Thompson - United States Bankruptcy Court, Central District of California 1992 - 1993

**ADMISSIONS**

- California State Bar
- United States Court of Appeals for the Ninth Circuit
- U.S. District Courts for the Central, Eastern, Northern, and Southern Districts of California

LEI LEI WANG EKVALL is a partner of Smiley Wang-Ekvall, LLP. She received her undergraduate degree in information and computer science in 1988 from the University of California, Irvine and her law degree in 1992 from the University of Southern California. Ms. Wang Ekvall served a judicial clerkship to the Honorable Alan M. Ahart, William J. Lasarow, Kathleen T. Lax, Kathleen P. March, and Vincent P. Zurzolo, United States Bankruptcy Judges, from October 1992 to September 1993. From September 1993 to September 1994, she served a judicial clerkship to the Honorable Kathleen P. March, United States Bankruptcy Judge.

Ms. Wang Ekvall is a leader in Southern California's legal community. She is currently serving as the Vice-Chair of the Central District of California Attorney Discipline Committee, a board member of the Masters Division of the Orange County Bar Association, Community Legal Services SoCal, fka Legal Aid Society of Orange County, and a board member of the Los Angeles Bankruptcy Forum. After serving on the board of the Orange County Bar Association for several years, she was elected and served as the 2010 President of the Orange County Bar Association. She currently serves on the board of the Orange County Bar Association Charitable Fund and served as its President in 2011. Ms. Wang Ekvall also chaired various committees and sections of the Orange County Bar Association, including the pro bono committee, the resolutions committee, and the commercial law and bankruptcy section. She is a past president and director of the Orange County Bankruptcy Forum and the Orange County Asian American Bar Association, and has served as a co-chair and member of the Central District of California Lawyer Representatives to the Ninth Circuit Judicial Conference.

Among other recognitions, in 2019, Ms. Wang Ekvall was selected as the Attorney of the Year by the Orange County Women Lawyers Association. In 2015, she was selected by the Orange County Bankruptcy Forum as the recipient of its prestigious Honorable Peter M. Elliott Memorial Award, for her outstanding scholarship, ethics and service to the Orange County bankruptcy community. She has a peer review rating of AV Preeminent from Martindale-Hubbell, and since 2008, she has been named a Southern California Super Lawyer, representing the top 5% of practicing attorneys in Southern California. In 2011 and 2014, she was named a Top Bankruptcy Attorney by O.C. Metro magazine. Ms. Wang Ekvall is a frequent speaker on the topic of bankruptcy law and receiverships and co-authored Bankruptcy for Businesses, published in April, 2007 by Entrepreneur Media, Inc., and distributed by McGraw-Hill.

Ms. Wang Ekvall concentrates her practice on insolvency and bankruptcy-related matters including work-outs, business reorganizations, creditors' rights, and trustee, committee, and receiver representation in diverse industries such as hospitality, medical, real estate, technology, entertainment, manufacturing, and retail.



## MEMBERSHIPS/ASSOCIATIONS

- American Bankruptcy Institute
- Orange County Asian American Bar Association
- Orange County Bar Association
- Orange County Bankruptcy Forum
- Los Angeles Bankruptcy Forum



## PROFESSIONAL ACTIVITIES

- Vice-Chair, Central District of California Attorney Discipline Committee, 2018 - 2020
- Director, Orange County Bar Association Masters Division, 2018 - present
- Director, Los Angeles Bankruptcy Forum, 2017 - present
- President, Community Legal Services SoCal fka, Legal Aid Society of Orange County, 2017 - 2018
- Member, Central District of California Attorney Discipline Committee, 2016 - present
- Co-Chair, 2016 California Bankruptcy Forum Conference, 2015 - 2016
- Director, Legal Aid Society of Orange County, 2014 to present
- Director, Orange County Bar Association Charitable Fund, 2012 - present
- President, Orange County Bar Association, 2010
- Director, Conference of California Bar Associations, 2007 - 2009
- President, Orange County Bankruptcy Forum, 2004 - 2005
- President, Orange County Asian American Bar Association, 2002 - 2003

## SPEAKING ENGAGEMENTS

- Podcast Speaker, *Bankruptcy and Workout Choices in COVID-19 time*  
Daily Journal Podcast  
2020
- Speaker, *The Neutrality of a Post-Judgment Receiver*  
California Receiver's Forum Loyola VIII  
2020
- Speaker, *Bankruptcy Fundamentals for Business Litigators*  
Orange County Bar Association  
2019
- Speaker, *The Rock, Paper & Scissors of ABC's, Bankruptcies & Receiverships*  
California Receiver's Forum  
2018
- Speaker, *Women Blazing Trails*  
Women in Leadership Symposium, Orange County  
2018
- Moderator, *Shark Tank: A Study of Recent Bankruptcy Decisions and Issues*  
American Bankruptcy Institute Bankruptcy Battleground West Conference  
2018
- Moderator and producer, *Receiverships of Professional Organizations*  
California Receivers Forum Loyola VI  
2015
- Speaker, *Women in Leadership: Rising Above the Ordinary*  
Women in Leadership Symposium, Orange County  
2013
- Speaker, *Receivership vs. ABC vs. Bankruptcy*  
California Receivers Forum Loyola V  
2013
- Speaker, *Going Once, Going Twice: Asset Sales in Bankruptcy*  
Orange County Bar Association, Commercial Law and Bankruptcy Section  
2013

- Speaker, *Bankruptcy Code Section 541: Realizing Value from Over-Encumbered Property*  
Annual Bankruptcy Trustee Seminar  
2012
- Speaker, *The Practical Ethics of Bankruptcy Practice*  
Orange County Bar Association, Commercial Law and Bankruptcy Section  
2012
- Speaker, *Protecting Your Firm From Preference Exposure on Pre-Petition Payments: How to Ethically and Optimally Structure Fee Arrangements in Debtors Engagements*  
California Bankruptcy Forum  
2011
- Speaker, *Bankruptcy Law for Non-Bankruptcy Lawyers*  
Orange County Bar Association  
2011
- Speaker, *The Allen E. Broussard Presentation on Professionalism and Civility*  
Orange County Bar Association  
2011
- Speaker, *What Do You Do When Employment Law and Bankruptcy Collide*  
Orange County Bar Association  
2010
- Speaker, *Handling Distressed Assets: A Lender's Guide*  
Commercial Real Estate Women - Orange County Chapter  
2009
- Speaker, *Issues in Client Confidentiality*  
Federal Bar Association 6th Annual Bankruptcy Ethics Symposium  
2009

#### PUBLICATIONS

---

- Co-Author, *Bankruptcy for Businesses: The Benefits, Pitfalls and Alternatives*  
Entrepreneur Press (Distributed by McGraw-Hill)  
2007



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**Philip E. Strok**  
Partner

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**PRACTICE AREAS**

Bankruptcy, Business Reorganizations,  
Out-of-Court Workouts, and Insolvency  
Matters

**AWARDS/RECOGNITION**

- Best Lawyers in America - Bankruptcy  
and Creditor Rights (2010-2018)

**EDUCATION**

- Southwestern University School of Law,  
Juris Doctor  
1993
- California State Polytechnic University,  
Pomona, B.A., Business Administration  
1986

**JUDICIAL CLERKSHIPS**

- Hon. Robert W. Alberts, Hon. Thomas  
B. Donovan, Hon. Arthur Greenwald,  
Hon. Kathleen Thompson, Hon.  
Geraldine Mund, Hon. Erithe A. Smith -  
United States Bankruptcy Court,  
Central District of California  
1993 to 1996

**ADMISSIONS**

- California State Bar
- Georgia State Bar
- United States Court of Appeals for the  
Ninth Circuit
- U.S. District Courts for the Central,  
Southern, Eastern, and Northern  
Districts of California

**MEMBERSHIPS/ASSOCIATIONS**

- American Bankruptcy Institute
- Orange County Bankruptcy Forum
- Orange County Bar Association

PHILIP E. STROK, a partner of Smiley Wang-Ekvall, LLP, concentrates his practice in the areas of bankruptcy/insolvency matters and business reorganizations. Mr. Strok has experience representing chapter 11 debtors, trustees, secured and unsecured creditors, creditors' committees, asset purchasers and other parties in the context of bankruptcy cases, out-of-court workouts, and assignments for the benefit of creditors. His representative industries include real estate and construction, apparel, healthcare, manufacturing, transportation, restaurant and food service, telecommunications, and retail.

Mr. Strok received his undergraduate degree in business administration from California State Polytechnic University and his law degree from Southwestern University School of Law in 1993, where he graduated magna cum laude. Mr. Strok was an editor on the Southwestern University Law Review, a finalist in the Southwestern Moot Court competition, and the recipient of the American Jurisprudence Book Awards in Bankruptcy and Legal Research and Writing. He served a judicial clerkship to the Honorable Robert W. Alberts, Thomas B. Donovan, Arthur M. Greenwald, Kathleen Thompson, Geraldine Mund, and Erithe A. Smith, United States Bankruptcy Judges, from 1993 to 1996. Mr. Strok also has experience in state court receiverships, having served as chief of staff of California Resources Group from 1988 to 1990.

Mr. Strok is included in the 2010-2018 editions of The Best Lawyers In America in the specialty of Bankruptcy and Creditor-Debtor Rights Law which appears in U.S. News & World Report. He served as President, Director and is currently a member of the Orange County Bankruptcy Forum. He is also a member of the American Bankruptcy Institute and the Orange County Bar Association. Mr. Strok is admitted to practice in Georgia and California.





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Insolvency. Real Estate. Business Litigation.



**Kyra E. Andrassy**  
Partner

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#### PRACTICE AREAS

Insolvency and Business Litigation

#### AWARDS/RECOGNITION

- Best Lawyers in America, Bankruptcy and Creditors' Rights 2018-2020
- Named to the list of the Top 50 Lawyers in Orange County by Southern California Super Lawyers 2019
- Southern California Super Lawyers 2012-2020
- Top Bankruptcy Lawyers, OC Metro Magazine 2015
- Southern California Rising Star 2005-2008 and 2010-2011

#### EDUCATION

- Loyola Law School, Juris Doctor 1998
- University of California, San Diego, B.A. Political Science 1995

#### JUDICIAL CLERKSHIPS

- Hon. John E. Ryan - United States Bankruptcy Court, Central District of California, Santa Ana Division 1998-2000

#### ADMISSIONS

- California State Bar
- United States Court of Appeals for the Ninth Circuit
- U.S. District Courts for the Central, Eastern, Northern, and Southern Districts of California

#### MEMBERSHIPS/ASSOCIATIONS

- American Bankruptcy Institute
- National Association of Federal Equity Receivers
- Orange County Bankruptcy Forum
- Los Angeles Bankruptcy Forum
- California Receivers Forum
- International Women's Insolvency and Restructuring Confederation
- Orange County Bar Association
- Federal Bar Association
- Orange County Women Lawyer's Association

KYRA E. ANDRASSY is a partner of Smiley Wang-Ekvall, LLP. She concentrates her practice on bankruptcy and insolvency matters and business litigation. Her insolvency-related work includes representing chapter 11 debtors, chapter 7 and chapter 11 trustees, secured and unsecured creditors, creditors' committees, purchasers of assets from bankruptcy estates, assignees in assignments for the benefit of creditors, federal and state court receivers, and borrowers in out-of-court workouts. Ms. Andrassy's business litigation practice includes a broad range of disputes in state and federal court, including breach of contract and fraud.

She received her undergraduate degree in political science from the University of California at San Diego in 1995, and her law degree from Loyola Law School in Los Angeles in 1998. She was an editor of the Loyola Law Review and the recipient of the American Jurisprudence Book Award in Legal Writing. She served a judicial externship to the Honorable Barry Russell, United States Bankruptcy Judge for the Central District of California, in Spring 1998. From September 1998 until September 2000, Ms. Andrassy served a judicial clerkship to the Honorable John E. Ryan, United States Bankruptcy Judge for the Central District of California and a member of the Ninth Circuit Bankruptcy Appellate Panel.



#### PROFESSIONAL ACTIVITIES

- Member of the Executive Committee of the Business Law Section of the California Lawyers Association, 2020-2023
- Co-Chair of the Insolvency Law Committee of the Business Law Section of the California Lawyers Association, 2019-2020
- Conference Co-Chair, National Association of Federal Equity Receivers Annual Conference, 2020
- Director, LA/OC Chapter of the California Receivers Forum, 2019-2022
- Conference Co-Chair, American Bankruptcy Institute Bankruptcy Battleground West, 2020-2021



- Director, American Youth Soccer Organization Region 159 (2014 to 2016)



- Conference Co-Chair, California Bankruptcy Forum Conference, 2019
- Co-Vice Chair of the Insolvency Law Committee of the Business Law Section of the California Lawyers Association, 2018-2019
- Director, Southern California Chapter of the International Women's Insolvency & Restructuring Confederation, 2016-2021
- Secretary of the Insolvency Law Committee of the Business Law Section of the California Lawyers Association, 2017-2018
- Co-Education Chair, California Bankruptcy Forum Conference, 2018
- Co-Editor in Chief of eBulletins for the Insolvency Law Committee of the Business Law Section of the State Bar of California, 2016-2017
- Member of the Advisory Board for the American Bankruptcy Institute's Bankruptcy Battleground West, 2017-2019
- Member of the Bar Advisory Board for the U.S. Bankruptcy Court, Central District of California, 2016-2017
- Member, Insolvency Law Committee of the Business Law Section of the State Bar of California, 2015-2018
- Sole attorney member of the committee to revise the Local Rules Governing Bankruptcy Appeals, Cases, and Proceedings of the U.S. District Court, Central District of California, 2011
- President, Orange County Bankruptcy Forum, 2008-2009
- Director, California Bankruptcy Forum, 2008-2010
- Member, U.S. Bankruptcy Court, Central District Task Force for Amendments to Local Rules, 2007-2008
- Director, Orange County Bankruptcy Forum, 2006-2009
- Program Chair for the Bankruptcy Ethics Symposium for the Federal Bar Association, Los Angeles Chapter, 2006
- Member of the Advisory Board for the Bankruptcy Ethics Symposium for the Federal Bar Association, Los Angeles Chapter, 2004-2005
- Section Chair, Orange County Bar Association Commercial Law & Bankruptcy Section, 2004
- Program Chair, Orange County Bar Association Commercial Law & Bankruptcy Section, 2003

#### SPEAKING ENGAGEMENTS

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- Panelist, *The Bankruptcy Code and Receiverships: Cracking the Code*  
National Association of Federal Equity Receivers  
2020
- Panelist, *Receivers' Reports and Fee Applications: A Workshop*  
LA/OC Chapter of the California Receivers Forum  
2019
- Panelist and Moderator, *The Intersection of Pension and Retirement Plans and Bankruptcy*  
American Bankruptcy Institute  
2017
- Panelist, *Federal Practice/Bankruptcy*  
Orange County Bar Association's Bridging the Gap Program  
2016
- Producer and Moderator, *Identifying Estate Assets in Atypical Property*  
California Bankruptcy Forum  
2013
- Panelist, *Business Bankruptcy Issues*  
Orange County Bar Association and Orange County Bankruptcy Forum  
2011
- Moderator, *Judgment Enforcement in Federal Court*  
Orange County Bankruptcy Forum  
2006



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**Robert S. Marticello**  
Partner

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#### PRACTICE AREAS

Bankruptcy, Workouts and Insolvency  
Matters, and Commercial Litigation

#### AWARDS/RECOGNITION

- Best Lawyers in America, Bankruptcy and Creditors' Rights  
2016-2020
- Southern California Super Lawyers  
2019-2020
- American Bankruptcy Institute  
Inaugural 40 Under 40  
2017
- Southern California Super Lawyers  
Rising Star  
2010-2012, 2014-2018
- Up - And - Coming 25 (Orange County),  
Southern California Super Lawyers  
2018
- National Conference of Bankruptcy  
Judges Next Generation Program

#### EDUCATION

- California Western School of Law, Juris  
Doctor  
2005
- California State University, Chico, B.A.  
Psychology  
2001

#### JUDICIAL CLERKSHIPS

- Hon. Robert N. Kwan - United States  
Bankruptcy Court, Central District of  
California  
2007
- Hon. John E. Ryan - United States  
Bankruptcy Court, Central District of  
California  
2005-2007

#### ADMISSIONS

- California State Bar
- Ninth Circuit Court of Appeals
- United States District Courts for the  
Central, Southern, Eastern and  
Northern Districts of California

#### MEMBERSHIPS/ASSOCIATIONS

- American Bankruptcy Institute
- Orange County Bankruptcy Forum
- Orange County Bar Association

ROBERT S. MARTICELLO is a founding partner of Smiley Wang-Ekvall, LLP. He concentrates his practice on business bankruptcy matters and related litigation. Mr. Marticello represents virtually all parties in chapter 11 bankruptcy cases and out-of-court restructurings, i.e., debtors, committees, secured and unsecured creditors, equity holders, trustees, asset purchasers, and others. He has represented clients in a broad range of industries, such as real estate, non profit, retail, restaurant, and technology and has represented clients in multiple forums throughout the United States. Mr. Marticello is also experienced in representing plaintiffs and defendants in bankruptcy avoidance actions and plaintiffs in nondischargeability actions.

Mr. Marticello was selected as an emerging leader by the American Bankruptcy Institute for its inaugural "40 Under 40" award. The organization recognized him as one of the top insolvency professionals under the age of 40 in the United States. This was the second time in five years that Mr. Marticello won a Top 40 award recognizing emerging talent. In 2012, he was selected to participate in the National Conference of Bankruptcy Judges' Next Generation Program, which is designed for 40 "up and coming" bankruptcy attorneys in the country. Mr. Marticello has also been consistently selected as a "Rising Star" in Super Lawyers Magazine and has been recognized by Best Lawyers for multiple years running.

Mr. Marticello served as the law clerk to the Honorable John E. Ryan, United States Bankruptcy Judge for the Central District of California, from August 2005 to February 2007, and to the Honorable Robert N. Kwan, United States Bankruptcy Judge for the Central District of California, from March to August 2007. Prior to serving as a law clerk, Mr. Marticello received his undergraduate degree from California State University Chico and his law degree from Californian Western School of Law in 2005, where he graduated magna cum laude and was a member of the California Western Law Review. Mr. Marticello is currently serving as the President of the California Bankruptcy Forum. Mr. Marticello was a Director of the Orange County Bankruptcy Forum from 2008-2011, and its President from 2010-2011.



#### PROFESSIONAL ACTIVITIES

- Co-Chair of the Lawyer Representatives to the Ninth Circuit Judicial Conference, 2018-2020
- President, California Bankruptcy Forum, 2015-2016
- Director, California Bankruptcy Forum, 2009-present
- President, Orange County Bankruptcy Forum, 2010-2011
- Director, Orange County Bankruptcy Forum, 2008-2011



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- COMMUNITY ENGAGEMENTS
- Panelist, *Current Trends and Issues in Chapter 11 Cases*  
Ninth Circuit Conference of Chief Bankruptcy Judges and Lawyer Representatives  
2019
  - Speaker, *Protecting Your Client: Top Issues Every Corporate Attorney Should Know About Bankruptcy*  
Orange County Bar Association  
2019
  - Speaker, *Bankruptcy Fundamentals for Business Litigators*  
Orange County Bar Association  
2019
  - Panelist, *Crossfire*  
ABI Battlegroup West  
2019
  - Panelist, *Judicial Estoppel and Bankruptcy Cases: Inconsistent Positions, Judicial Integrity, and Unfair Advantage*  
Ninth Circuit Judicial Conference  
2017
  - Speaker, *The Allowance of "Defense Fees" in the Wake of the U.S. Supreme Court's Decision in Baker Botts*  
Central District Conference of Judges and Lawyer Representatives, Bankruptcy Breakout Session  
2017
  - Panelist, *Valuation Issues in Bankruptcy*  
Ninth Circuit Conference of Chief Bankruptcy Judges and Lawyer Representatives  
2017
  - Speaker, *Chapter 11 Recent Developments*  
Orange County Bar Association Commercial Law & Bankruptcy Section  
2014
  - Moderator, *Asset Sales in Bankruptcy*  
Orange County Bar Association Commercial Law & Bankruptcy Section  
2012
  - Speaker, *Rules of the Game: Sports Teams in Bankruptcy*  
Peter Elliott American Inn of Court  
2011

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#### PUBLICATIONS

- Author, *Bankruptcy is a Last Resort: Here Are Some Other Steps to Take During the Coronavirus Pandemic*  
Los Angeles Daily Journal  
03-27-2020
- Author, *Bankruptcy Code Offers Relief to (Very) Small Businesses*  
Los Angeles Daily Journal  
09-04-2019
- Author, *Bankruptcy Can Provide Landlords a Safe Harbor from Retail Storm*  
Chain Store Age  
02-20-2019
- Author, *Sears' Biggest Sale (Itself) Offers Valuable Lessons for Retail*  
Law 360  
01-16-2019
- Author, *Is Consignment Enough?*  
Supply Chain World  
07-11-2016
- Author, *Bankruptcy Can Help Tech Firms Survive an Impending Bubble and Preserve Value*  
CEOWORLD Magazine  
05-09-2016
- Author, *Learn from Sports Authority Bankruptcy*  
Los Angeles Daily Journal  
04-15-2016

■ Author, [Retail Bankruptcies on the Rise: How to Avoid Becoming a Statistic](#)

Apparel

02-24-2016

- Co-Author, *Sports Team Bankruptcies: Home Runs or Strikeouts?*

Los Angeles Daily Journal

2011



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**Michael L. Simon**  
Associate

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**PRACTICE AREAS**

Insolvency and Business Litigation

**AWARDS/RECOGNITION**

- Southern California Super Lawyers Rising Star 2020
- Best Lawyers in America: Ones to Watch, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law 2021

**EDUCATION**

- Pepperdine University School of Law, Juris Doctor 2014
- New York University, B.S. in Finance and Economic Policy 2009

**JUDICIAL CLERKSHIPS**

- Hon. Robert N. Kwan - United States Bankruptcy Court, Central District of California 2015-2017

**ADMISSIONS**

- California State Bar
- U.S. District Courts for the Central, Eastern, Southern, and Northern Districts of California

**MEMBERSHIPS/ASSOCIATIONS**

- American Bankruptcy Institute
- Orange County Bankruptcy Forum
- Los Angeles Bankruptcy Forum

MICHAEL L. SIMON is an associate of Smiley Wang-Ekvall, LLP. He concentrates his practice on bankruptcy and insolvency matters and business litigation. Mr. Simon has represented chapter 11 debtors, creditors' committees, trustees, judgment creditors, secured and unsecured creditors, and plan trustees.

Mr. Simon received his undergraduate degree in finance and economic policy from New York University's Leonard N. Stern School of Business in 2009. He received his J.D. from Pepperdine University School of Law and his Certificate in Dispute Resolution from the Straus Institute for Dispute Resolution in 2014. While in law school, Mr. Simon served as an editor for the Journal of Business, Entrepreneurship and the Law, and served judicial externships to the Honorable Robert N. Kwan, United States Bankruptcy Judge for the Central District of California, and the Honorable Valerie B. Fairbank, United States District Court Judge for the Central District of California. After law school, he served a judicial clerkship to the Honorable Robert N. Kwan from August 2015 to March 2017.

Mr. Simon currently serves as a director for the Orange County Bankruptcy Forum and was recognized as a Southern California Rising Star by Super Lawyers in 2020.



**PROFESSIONAL ACTIVITIES**

- Director, Orange County Bankruptcy Forum, 2019-2022



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**PRACTICE AREAS**

Insolvency and Business Litigation

**AWARDS/RECOGNITION**

- Best Lawyers in America: Ones to Watch, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law 2021

**EDUCATION**

- University of California, Los Angeles, J.D. 2016
- University of California, Irvine, B.A. Political Science 2012

**JUDICIAL CLERKSHIPS**

- Hon. Robert N. Kwan - United States Bankruptcy Court, Central District of California 2017-2018
- Hon. Theodor C. Albert - United States Bankruptcy Court, Central District of California 2016-2017

**ADMISSIONS**

- California State Bar
- U.S. District Courts for the Central, Eastern, Northern, and Southern Districts of California

**MEMBERSHIPS/ASSOCIATIONS**

- American Bankruptcy Institute
- Financial Lawyers Conference
- Los Angeles Bankruptcy Forum

TIMOTHY W. EVANSTON is an associate at Smiley Wang-Ekvall, LLP. He concentrates his practice on bankruptcy and insolvency matters and business litigation.

Mr. Evanston received his undergraduate degree in political science from the University of California, Irvine in 2012, where he graduated cum laude, and received his law degree from the University of California, Los Angeles, in 2016. While in law school, Mr. Evanston served as senior managing editor of the Pacific Basin Law Journal. He also served a judicial externship to the Honorable Theodor C. Albert, United States Bankruptcy Judge for the Central District of California, and worked as a legal intern for the U.S. Trustee Program of the Department of Justice. After law school, Mr. Evanston served a judicial clerkship to the Honorable Theodor C. Albert, United States Bankruptcy Judge for the Central District of California, from September 2016 to March 2017. From August 2017 to August 2018, he served a judicial clerkship to the Honorable Robert N. Kwan, United States Bankruptcy Judge for the Central District of California.

**SPEAKING ENGAGEMENTS**

- Panelist, *Navigating SBRA: A Roadmap to SBRA's Updates and Changes for Small Businesses*  
Los Angeles Bankruptcy Forum  
2020

**PUBLICATIONS**

- Co-Author, [The Small Business Reorganization Act: Big Changes for Small Businesses](#)  
American Bar Association, Business Law Section  
02-14-2020



**SMILEY WANG-EKVALL, LLP**  
**SCHEDULE OF HOURLY BILLING RATES**  
**EFFECTIVE JANUARY 1, 2021**

**Attorneys:**

Lei Lei Wang Ekvall	\$650.00
Philip E. Strok	\$650.00
Kraig C. Kilger	\$600.00
Kyra E. Andrassy	\$630.00
Robert S. Marticello	\$610.00
Sharon Oh-Kubisch	\$495.00
Michael L. Simon	\$390.00
Timothy W. Evanston	\$340.00

**Paralegal Professionals:**

Janet Hogan	\$265.00
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**Law Clerks:**

All Law Clerks	\$175.00
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(THESE RATES ARE SUBJECT TO PERIODIC ADJUSTMENT)



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
**3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626**

A true and correct copy of the foregoing document entitled (*specify*): **Chapter 7 Trustee's Application to Employ Smiley Wang-Ekvall, LLP, as General Counsel; Statement of Disinterestedness of Lei Lei Wang Ekvall** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **1/8/2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

1/8/2021  
Date

Lynnette Garrett  
Printed Name

/s/ Lynnette Garrett  
Signature

**TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

- **Richard D Buckley** richard.buckley@arentfox.com
- **Marie E Christiansen** mchristiansen@vedderprice.com, ecfladocket@vedderprice.com,marie-christiansen-4166@ecf.pacerpro.com
- **Jennifer Witherell Crastz** jcrastz@hrhlaw.com
- **Ashleigh A Danker** Ashleigh.danker@dinsmore.com, SDCMLFiles@DINSMORE.COM;Katrice.ortiz@dinsmore.com
- **Clifford S Davidson** csdavidson@swlaw.com, jlanglois@swlaw.com;cliff-davidson-7586@ecf.pacerpro.com
- **Lei Lei Wang Ekvall** lekvall@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- **Richard W Esterkin** richard.esterkin@morganlewis.com
- **Timothy W Evanston** tevanston@swelawfirm.com, gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com
- **Eric D Goldberg** eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- **Andrew Goodman** agoodman@andyclaw.com
- **Steven T Gubner** sgubner@bg.law, ecf@bg.law
- **Marshall J Hogan** mhogan@swlaw.com, knestuk@swlaw.com
- **Razmig Izakelian** razmigizakelian@quinnemanuel.com
- **Lewis R Landau** Lew@Landaunet.com
- **Peter J Mastan** peter.mastan@dinsmore.com, SDCMLFiles@dinsmore.com;Katrice.ortiz@dinsmore.com
- **Edith R Matthai** ematthai@romalaw.com
- **Kenneth Miller** kmiller@pmcos.com, efilings@pmcos.com
- **Elissa Miller (TR)** CA71@ecfcbis.com, MillerTrustee@Sulmeyerlaw.com;C124@ecfcbis.com;ccaldwell@sulmeyerlaw.com
- **Eric A Mitnick** MitnickLaw@aol.com, mitnicklaw@gmail.com
- **Scott H Olson** solson@vedderprice.com, scott-olson-2161@ecf.pacerpro.com,ecfsfdocket@vedderprice.com,nortega@vedderprice.com
- **Michael J Quinn** mquinn@vedderprice.com, ecfladocket@vedderprice.com,michael-quinn-2870@ecf.pacerpro.com
- **Ronald N Richards** ron@ronaldrichards.com, morani@ronaldrichards.com,justin@ronaldrichards.com
- **Philip E Strok** pstrok@swelawfirm.com, gcruz@swelawfirm.com;1garrett@swelawfirm.com;jchung@swelawfirm.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov
- **Eric D Winston** ericwinston@quinnemanuel.com
- **Christopher K.S. Wong** christopher.wong@arentfox.com, yvonne.li@arentfox.com
- **Timothy J Yoo** tjy@lnbyb.com